

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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JOSEPH C. WEBER,

Plaintiff,

v.

ATLANTIC ZEISER/ORELL FUSSL,

Defendant.  
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JUL 07 2009

AT 8:30  
WILLIAM T. WALSH, CLERK

CASE NO.: 08-CV-00977 (DRD/MAS)

**JOINT AMENDED SCHEDULING ORDER**

Plaintiff Joseph C. Weber and Defendant Atlantic Zeiser, Inc., having appeared before U.S.M.J. Michael A. Shipp, for a July 1, 2009 telephonic **Scheduling and Status Conference**, it is now hereby ORDERED as follows:

1. **Fact Discovery Deadline:** Written fact discovery and fact witness depositions shall be completed as of **September 14, 2009**; Consistent with the telephonic Scheduling Conference and continued good faith efforts of all parties and counsel to propose a schedule allowing for timely discovery completion, attorneys for Plaintiff and Defendant have proposed the following: Defendant has requested continuation/completion of the deposition of Joseph Weber on August 15, 2009 with respect to any documents produced or obtained after Mr. Weber's initial deposition and Plaintiffs have reserved the right to object pending the outcome of good faith discussions of this issue with Defendant; Depositions of Defendant employees are being set for August 18<sup>th</sup> through 20<sup>th</sup> and August 25<sup>th</sup> through 28<sup>th</sup> (final sequence of witnesses to be determined) – deponents: Raimondo, Coco, Stoerck, Severson, Vandervilet and Schick; Since both Plaintiff and

Defendant have expressly indicated an intent to take several depositions of non-party witnesses, by subpoena or otherwise, these shall be subsequently scheduled consistent with the Federal Rules but before the discovery deadline of September 14, 2009.

2. **Expert Reports/Rule 26 Disclosures**: Plaintiff shall serve all such reports/materials on or before **September 14, 2009**. Defendant shall serve all such reports/materials on or before **October 14, 2009**.
3. **Depositions of Designated Experts**: Plaintiffs shall present their experts for depositions and Defendants shall then produce their experts for depositions with all such depositions to be completed on or before **November 16, 2009**.
4. **Current Discovery Disputes**: Counsel for the respective parties shall meet and confer in good faith efforts to resolve pending disputes concerning written discovery or deposition discovery by no later than July 14, 2009. In the event that these efforts do not produce a resolution on all issues in disputes, counsel shall advise the Court of any remaining disputes by letter, which shall not exceed three pages in length, and shall be submitted to the Court on or before July 14, 2009. Counsel are encouraged to confer and agree upon the text of a *joint letter submission*. If the parties are unable to agree upon a joint submission, then the parties shall submit separate letters advising the Court of the nature of the agreed and identified outstanding disputes as set forth above. Upon receipt of the parties' joint or separate letters, the Court will determine whether to schedule a telephonic or in-person conference with the parties, or whether the parties are to provide the Court with further written submissions or engage in formal motion practice.
5. **Dispositive Motions**: Dispositive Motions shall *only be filed after depositions have been completed. No motions are to be filed without leave of court.*

6. **Next Status Conference:** An in-person Status Conference is now set for **September 14, 2009 at 10:00** before Judge Shipp.

7. **Joint Proposed Final Pre Trial Order:** The deadline for delivery of the original joint proposed final pre trial order to the Court is 1/30/10. A subsequent pre trial

conference will be held before the undersigned on January 15, 2010 at 10:30 AM.

8. **Trial:** Trial of this matter is scheduled to start on a date to be determined by the court.

SO ORDERED: July 7, 2009

s/Michael A. Shipp

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USMJ Michael A. Shipp